

EMERGENCY

City of Cincinnati

RLT/B

An Ordinance No. 131

- 2014

**MODIFYING** the provisions of Title VII, "General Regulations," of the Cincinnati Municipal Code by enacting new Chapter 767, "Domestic Partnership Registry."

WHEREAS, the City of Cincinnati prides itself on being inclusive and representative of all residents, regardless of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, or national origin, age, disability, familial status or military status; and

WHEREAS, the City of Cincinnati respects and recognizes that many unmarried residents of Cincinnati have formed loving, supportive, and faithful relationships; and

WHEREAS, many public and private companies, organizations and institutions allow their employees, members, patrons and other individuals with whom they interact to include their partners as beneficiaries of various policies, including but not limited to health insurance coverage, hospital visitation rights, and family recreational memberships; and

WHEREAS, a registry for unmarried couples, maintained by the Clerk of Council, would help remove the administrative burden on hospitals, universities, employers, and other businesses to define and verify the existence of these committed, non-marital relationships; and

WHEREAS, a registry for unmarried couples could make those couples and their families feel more welcome and valued in Cincinnati; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Title VII, "General Regulations," of the Cincinnati Municipal Code is hereby modified by enacting new Chapter 767, "Domestic Partnership Registry," to read as follows:

**Chapter 767. DOMESTIC PARTNERSHIP REGISTRY.**

**Sec. 767-1. - Definitions.**

For the purpose of this chapter, the words and phrases defined in the sections below shall have the meanings therein respectively ascribed to them, without limiting the generalities of the words, unless a different meaning is clearly indicated by the context.

- (a) "Domestic Partnership" refers to the non-marital committed relationship of two adults of the same or different sex, who share responsibility for each other's common welfare, and have signed and filed a declaration of domestic partnership with the City.

- (b) “Financially Interdependent” means individuals in a domestic partnership are jointly responsible for the financial obligations of the partnership.

**Sec. 767-3. - Domestic Partnership Criteria.**

To establish a domestic partnership, two individuals must file a declaration of domestic partnership with the Clerk of Council affirming one of the following:

- (a) that both individuals share a government-issued marriage license not recognized by the state of Ohio; or
- (b) that both individuals meet all of the following eligibility requirements:
  - (1) are not currently married to another adult as recognized by Ohio law; and
  - (2) are not legally separated from another person either under statutory or common law; and
  - (3) share responsibility for each other’s common welfare; and
  - (4) are at least eighteen (18) years of age and mentally competent to consent to contract; and
  - (5) are financially interdependent, as demonstrated by at least four (4) of the following:
    - (i) joint ownership of real estate property or joint tenancy on a residential lease; or
    - (ii) joint ownership of an automobile; or
    - (iii) joint bank or credit account; or
    - (iv) joint liabilities, e.g., credit cards or loans; or
    - (v) a will designating the interdependent adults as primary beneficiaries; or
    - (vi) a retirement plan or life insurance policy beneficiary designation form designating the interdependent adults as primary beneficiaries; or
    - (vii) a durable power of attorney signed to the effect that the two interdependent adults have granted powers to one another.

**Sec. 767-5. – Registration Forms; Fees.**

- (a) The Clerk of Council shall develop “Declaration of Domestic Partnership” and “Notice of Termination of Domestic Partnership” forms.
- (b) The “Declaration of Domestic Partnership” form shall require each registrant to:
  - (1) affirm that he or she meets the aforementioned requirements of this section;
  - (2) provide a mailing address;
  - (3) sign the form under penalty of perjury; and

- (4) have a notary public acknowledge his or her signature.
- (c) The City shall have declaration and termination forms available at the office of the Clerk of Council.
- (d) The City shall charge an administrative fee of \$45 to persons filing a declaration of domestic partnership. No fee shall be charged for the filing of a notice of termination of domestic partnership.

**Sec. 767-7. – Registration of Domestic Partnership.**

- (a) *Registration:* Two persons wishing to establish a domestic partnership must complete and file, either in person or by ground mail, a declaration of domestic partnership with the Clerk of Council. The Clerk of Council shall register the Declaration of Domestic Partnership in a registry and return a copy of the declaration form to the domestic partners at the address provided as their common residence.
- (b) *Prohibitions:* No individual who has previously filed a declaration of domestic partnership with the Clerk of Council may file a new declaration of domestic partnership until a notice of termination of domestic partnership has been filed with the Clerk of Council. However, this prohibition shall not apply if the previous domestic partnership ended because one of the domestic partners is deceased. A death certificate or a dated newspaper obituary with newspaper citation may be used as proof of death to end the domestic partnership.

**Sec. 767-9. – Termination of Domestic Partnership.**

- (a) A domestic partnership terminates when:
  - (1) one or both partners files a notice of termination of domestic partnership;
  - (2) one of the domestic partners dies; or
  - (3) the facts affirmed in the declaration of domestic partnership cease to be true.
- (b) *Voluntary Termination:* Two persons wishing to terminate a domestic partnership must complete and file, either in person or by ground mail, a notice of termination of domestic partnership with the Clerk of Council. The Clerk of Council shall register the notice of termination of domestic partnership in a registry and return a copy of the declaration form to the individuals at the address provided on their notice of termination.
- (c) *Mandatory Termination:* If the facts affirmed in the Declaration of Domestic Partnership cease to be true, one or both parties to a domestic

partnership shall file a Notice of Termination of Domestic Partnership with the Clerk of Council. Upon receipt, the Clerk of Council shall return a copy of the notice marked "filed" to each of the partners if jointly filed; or two copies to the filing partner. Unless the partners jointly file the notice, the partner filing the notice shall, within five days, send a copy of the filed notice to the other partner's last known address. However, this requirement shall not apply if the termination is due to the death of one of the domestic partners.

- (d) *Effective Date of Termination:* Termination of a domestic partnership shall be effective upon filing of the Notice of Termination of Domestic Partnership with the City by one or both partners or on the date of the death of one of the domestic partners.
- (e) Following the termination of a domestic partnership, the burden of notification rests with each former domestic partner who has received or qualified for any benefit or right based upon the existence of a domestic partnership and whose receipt of that benefit or enjoyment of that right has not otherwise terminated, to give prompt notification to any third party who provides such benefit or right that the domestic partnership was terminated. The City shall not be liable for any injury to any third party by virtue of lack of notice of termination to the domestic partnership, including any third party which has provided any benefits regarding the domestic partnership.
- (f) Failure to provide notice to third parties as prescribed in this section shall not delay or prevent the termination of the domestic partnership.

**Sec. 767-11. – Legal Effect.**

- (a) Registering as domestic partners by two individuals who are also married to one another in Ohio or in another state shall under no circumstances be considered as evidence, knowledge, awareness or an admission that the partners are not lawfully married and it shall not be given any other legal effect in Ohio or any other state with regard to whether the persons are lawfully married.
- (b) Nothing in this Chapter shall be interpreted to alter or contravene county, state or federal law.
- (c) Nothing in this Chapter shall be construed as recognizing or treating a Declaration of Domestic Partnership as a marriage or a legal status that intends to approximate the design, qualities, significance or effect of marriage.

Section 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to implement the Domestic Partnership Registry in order to help remove the administrative burden on hospitals, universities, employers, and other businesses to define and verify the existence of these committed, non-marital relationships.

Passed:

June 4, 2014

Jh Conley  
Mayor

Attest:

Melissa A. [Signature]  
Clerk

I HEREBY CERTIFY THAT ORDINANCE No. 131-2014  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 6-17-2014

Melissa A. [Signature]  
CLERK OF COUNCIL